

### REMARKS

Claims 1-19 are pending in the present application. The drawings were objected to because use of the numerical reference "3" in Fig. 1 is unclear. The disclosure was objected to due to informalities. Claims 1-5, 8-14 and 17-19 were rejected under 35 U.S.C. §102(b) as being anticipated by Niwa et al., U.S. Patent No. 5,480,804. Claims 6-7 and 15-16 were rejected under 35 U.S.C. §103(a) as being unpatentable over Niwa et al. in view of Engelhardt (DE 199 02 625).

The specification and the drawings have been amended. Reconsideration of the application is respectfully requested.

#### Objection to the drawings

The drawings were objected to because use of the numerical reference "3" in Fig. 1 is unclear. Fig. 1 has now been amended to remove the extra numerical reference "3" on the right side of the figure. Applicants thank the Examiner for pointing out this problem.

Withdrawal of the objection to the drawings is respectfully requested.

#### Objection to the disclosure

The disclosure was objected to due to informalities because the Summary of the Invention section is too long. The specification has now been amended; information from the Summary of the Invention section has been moved to the Detailed Description section. It is respectfully submitted that no new matter has been added.

Withdrawal of the objection to the disclosure is respectfully requested.

#### Rejections under 35 U.S.C. §102(b), 103(a)

Claims 1-5, 8-14 and 17-19 were rejected under 35 U.S.C. §102(b) as being anticipated by Niwa et al., U.S. Patent No. 5,480,804. Claims 6-7 and 15-16 were rejected under 35 U.S.C. §103(a) as being unpatentable over Niwa et al. in view of Engelhardt (DE 199 02 625).

Niwa et al. describes an apparatus for detecting microorganisms in which light reflected from a sample is detected by a detector 104. An electrical detection signal from the detector is sent via a filter 105 to a microcomputer 106, which converts the detection signal to digital values and determines a maximum amplitude value of the resulting data. See col. 8, lines 13-29.

Independent claims 1 and 11 of the present application respectively recite a method for scanning microscopy and a scanning microscope including generating "spectral data for each scan point", "determining from the spectral data an amplitude value for each fluorescent dye" and "transferring the amplitude values to a processing module." It is respectfully submitted that Niwa et al. does not determine an amplitude value for each fluorescent dye from spectral data for each scan point, and then transfer the amplitude values to a processing module, as recited in claims 1 and 11. In contrast, Niwa et al. sends a filtered electrical detection signal at a particular stage 107 position to a processing device, microcomputer 106, which performs an analog/digital conversion on the signal and then determines a maximum amplitude value. See Niwa et al., col. 8, lines 13-29. Thus Niwa et al. transfers electrical detection signals, and not amplitude values for each scan point, to the processing device, in contrast to the recitations of claims 1 and 11. As in the prior art, Niwa et al. transfers spectral data from the detector to the computer 106 for further processing, with the attendant potential for loss of information in online depiction of the specimen at high scan data volumes. See page 3, lines 15-23, of the present specification. Niwa et al. accordingly does not provide the advantages of early upstream data reduction, without loss of information, as provided by the present invention. See page 5, lines 4-11. Because Niwa et al. is missing at least the above-recited features of claims 1 and 11, it cannot anticipate these claims or any of their respective dependent claims.

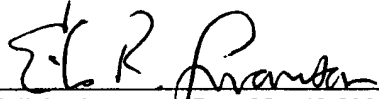
Withdrawal of the respective rejections of independent claims 1 and 11, as well as respective dependent claims 2-10 and 12-19, under 35 U.S.C. §102(b) based on Niwa et al., and under 35 U.S.C. §103(a) based on Niwa et al. in view of Engelhardt, is respectfully requested.

CONCLUSION

It is respectfully submitted that the application is now in condition for allowance.

Respectfully submitted,

DAVIDSON, DAVIDSON & KAPPEL, LLC

By:   
Erik R. Swanson, Reg. No. 40,833

Davidson, Davidson & Kappel, LLC  
485 Seventh Avenue, 14th Floor  
New York, New York 10018  
(212) 736-1940

**Amendments to the Drawings:**

The attached drawing sheet includes changes to Fig. 1. This sheet replaces the original drawing sheet including Fig. 1.

Attachment: Replacement Sheet.